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May 13, 2013

VIA ECFS

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation, CG Docket Nos. 13-24 and 03-123

Dear Ms. Dortch:

On May 9, 2013, Claude Stout, Executive Director, Telecommunications for the Deaf and Hard of Hearing, Inc. (“TDI”) and Chair, Deaf and Hard of Hearing Consumer Action Network (“DHHCAN”); Andrew S. Phillips, Policy Attorney, National Association of the Deaf (“NAD”), and Lise Hamlin,¹ Director, Public Policy, Hearing Loss Association of America (“HLAA”) (together, the “Consumer Groups”) along with the undersigned of Bingham McCutchen LLP on behalf of TDI met with Karen Strauss, Robert Aldrich, and Gregory Hlibok from the Consumer and Government Affairs Bureau (“CGB”) to discuss Internet Protocol Captioned Telephone Service (“IP CTS”) and the FCC’s interim default captioning-off rule.²

During the meeting, Consumer Groups discussed the conclusions in the CGB’s May 9, 2013 order that granted and denied certain requests for waiver of the default-off rule.³ Consumer Groups emphasized their concerns, as presented on

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¹ Ms. Hamlin participated via telephone.

² *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 & 03-123, Order and Notice of Proposed Rulemaking, FCC 13-13, ¶ 33 (2013) (“*NPRM*”); 47 C.F.R. § 64.604(c)(10).

³ *See Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 & 03-123, Order, DA 13-1045 (CGB rel. May 9, 2013) (“*Waiver Order*”).

Ms. Marlene H. Dortch, Secretary
May 13, 2013
Page 2

April 24, 2013,⁴ that a permanent default captioning rule should not be adopted. We also explained that the FCC should not be inclined to keep the default-off rule given the *Waiver Order* and inquired about the possibility of filing a petition for relief from or waiver of the default-off rule.

Consumer Groups also discussed RLSA's 2013-14 TRS Estimate⁵ and stated that the proposed IP CTS demand and budget figures seem high. We asked about the possibility of evaluating the TRS fund on a shorter time period than one year -- such as on a quarterly basis so as to better anticipate its growth and funding requirements.

We further stated that the FCC needs to protect and foster competition among providers of TRS services.

Respectfully submitted,

/s/ *Philip Macres*

Philip J. Macres

Counsel for TDI

cc (by email):

Karen Strauss
Robert Aldrich
Gregory Hlibok

⁴ See Letter from Philip J. Macres, counsel for TDI, to Marlene H. Dortch, Secretary, FCC, GN Docket Nos 13-24 & 03-123, at 3 & IP CTS Handout (filed Apr. 26, 2013).

⁵ Interstate Telecommunications Relay Services Fund Payment Formula Fund Size Estimate of Rolka Loube Saltzer Associates LLC ("RLSA"), CG Docket No. 03-123 & 10-51 (filed May 1, 2013) ("2013-14 TRS Estimate").